

1 **WEST VALLEY CITY**

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3 **ORDINANCE NO. 11-14**

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5 Draft Date: 06/07/2011  
6 Date Adopted: 06/21/2011  
7 Date Effective: 06/27/2011  
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9 **AN ORDINANCE AMENDING SECTION 5-2-107 OF TITLE 5**  
10 **OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADD**  
11 **PROVISIONS FOR PRE-QUALIFICATION FOR THE**  
12 **PROCUREMENT OF PARTICULAR TYPES OF SUPPLIES,**  
13 **SERVICES AND CONSTRUCTION.**  
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15 **WHEREAS,** the pre-qualification of bidders is necessary for particular types of  
16 supplies, services and construction in order for the City to determine the most responsible  
17 bidder for the project; and  
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19 **WHEREAS,** the pre-qualification section in Title 5 required some additional  
20 provisions in order to clarify the process; and  
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22 **WHEREAS,** the City Council of West Valley City, Utah, does hereby determine that it  
23 is in the best interests of the health, safety, and welfare of the citizens of West Valley City to  
24 amend 5-2-107 of the West Valley City Municipal Code.  
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26 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City, Utah,  
27 as follows:  
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29 **Section 1. Repealer.** Any other provision of the West Valley City Municipal Code  
30 found to be in conflict with this Ordinance is hereby repealed.  
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32 **Section 2. Amendment.** Section 5-2-107 of the West Valley City Municipal Code is  
33 hereby amended to read as follows:  
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35 **5-2-107. PRE-QUALIFICATION.**  
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37 Where deemed appropriate by the City, bidders, proponents and/or suppliers may be pre-  
38 qualified for particular types of supplies, services and construction to determine the  
39 responsibility of such bidder, proponent or suppliers.  
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41 (1) Invitation To Pre-Qualify. Each pre-qualification proceeding shall be commenced by the  
42 Purchasing Agent or designee issuing an invitation to pre-qualify, which shall include the  
43 factors stated in subsection (3) and any other factors related to the particular types of  
44 supplies, services and construction deemed necessary by the City to determine

responsibility. All factors shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the City's needs, and shall not be unduly restrictive.

(2) Public Notice. All noticing shall be processed through the City Recorder or designee. Adequate public notice of the invitation to pre-qualify shall be given for a reasonable time, and not less than five (5) working days prior to the date set forth therein for the pre-qualification opening. Such notice may include publication in a newspaper of general circulation a reasonable time prior to prequalification opening. The public notice shall state the place, date, and time of pre-qualification opening. This notice shall serve as the official and required notice for the entire bid process. Once this notice is appropriately given, no further public notice shall be required for the invitation to bid or the final award.

- (1)(3) Standard of Responsibility. Factors to be considered in determining whether the standard of responsibility has been met by a bidder, supplier or proponent include:
- a. Availability of the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability of the bidder, proponent or supplier to meet all contractual requirements;
  - b. A satisfactory record of experience related to the particular types of supplies, services and construction;
  - bc. A satisfactory record of performance;
  - ed. A satisfactory record of integrity;
  - de. Legal qualifications to contract with West Valley City; and
  - ef. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility.

- (2)(4) Information Pertaining to Responsibility. The bidder, proponent or supplier shall supply information requested by the City concerning the responsibility of such bidder, proponent or supplier. If such information is not supplied, the City shall base the determination of responsibility upon any available information or may find the bidder, proponent or supplier non-responsible if such failure, as determined by City, is unreasonable.

(5) Invitation to Bid. Only those bidders, proponents, or suppliers that are pre-qualified, as determined by the City, shall be invited to bid the particular types of supplies, services, or construction. The particular types of supplies, services and construction shall be awarded and obtained by competitive sealed bidding as provided in Section 5-3-101, except for the Public Notice requirement, which is set forth in subsection (2) herein.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 21<sup>st</sup> day of June, 2011.

WEST VALLEY CITY

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MAYOR

ATTEST:

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CITY RECORDER